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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.
13

VICTOR HERNANDEZ PENA,

14 Defendant.
15

CASE NO. 1:21-CR-00090-JLT

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

16 STIPULATION
17

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on July 30, 2024.
2. By this stipulation, the parties now move to vacate the trial date for the above-mentioned defendant for a change of plea on November 4, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The parties anticipate entering into and filing a plea agreement in this matter. For that reason, the parties agree that a date of November 4, 2024, is warranted for a change of plea. Prior to filing this stipulation, the parties conferred with the courtroom deputy for the assigned district court judge, who indicated this date is available for a change of plea.
 - b) The parties stipulate that the period of time until November 4, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it

1 results from a continuance granted by the Court at defendants' request on the basis of the Court's
2 finding that the ends of justice served by taking such action outweigh the best interest of the
3 public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
6 must commence.

7 IT IS SO STIPULATED.

8 Dated: July 11, 2024

PHILLIP A. TALBERT
United States Attorney

10 /s/ STEPHANIE M. STOKMAN
11 STEPHANIE M. STOKMAN
12 Assistant United States Attorney

14 Dated: July 11, 2024

13 /s/ NICHOLAS REYES

15 NICHOLAS REYES
16 Counsel for Defendant
17 VICTOR HERNANDEZ PENA

18 **FINDINGS AND ORDER**

20 IT IS SO FOUND. Counsel SHALL be prepared to set a firm trial date at the next hearing if the
matter is not resolved by that time.
21

22 IT IS SO ORDERED.

23 Dated: July 16, 2024

24 
UNITED STATES DISTRICT JUDGE